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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,578	10/26/2001	Glenn J. Luzzi	689-001	4242

7590 11/10/2003
Ward & Olivo
382 Springfield Avenue
Summit, NJ 07901

EXAMINER

ARBES, CARL J

ART UNIT PAPER NUMBER

3729

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,578

Applicant(s)

LUZZI, GLENN J.

Examiner

C. J. Arbes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 8,9 and 11-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- ☐ Interview Summary (PTO-413) Paper No(s). _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Applicant's response filed on or about 26 September 2003 has been duly noted. After a careful review the Office's Restriction has been deemed to be correct and is proper. In view of this holding and further of Applicant's response the Restriction is hereby made **Final**. Applicant is therefore required to cancel Claims 8, 9 and 11-13 (all non-elected) or take other appropriate Action.

An Office action on the merits of Claims 1-7, 10 and 14-16 now follows.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10 and 14-16 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Cole (Pat No. 1,857,436; hereinafter '436).

The '436 teaches a cable splice for wire cables which has a socket of conical shape and having an interior tapered toward the end in which the cable is to be inserted and a conical hollow wedge having an interior substantially cylindrical and formed with spiral grooves, said wedge having an outer surface tapered to force the outer strands of the cable against the interior of the socket. The wedge has separable portions.. Inasmuch as Cole teaches that the tapered shell has ribs. (Note the extreme left portion of the Figure 3; also note Figure 4) It would have been obvious if indeed one does not construe these Figures as having ribs therein to provide ribs inasmuch as the ribs would act to further assist the apparatus to perform its intended function. As applied to claim 7 it is held that the lubrication of the outer surface portion is not a part of the apparatus


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and therefore this limitation is not given patentable weight. Alternatively it is held to be mere design choice since there is neither a specific purpose elucidated nor a specific problem which is solved. Alternatively it would be within the skill of the artisan to lubricate the outer surface in order to allow the strands to slip and become seated properly. As applied to Claims 14-16 the limitations in these claims are also held to have been obvious inasmuch as the '436 does teach (in Figure 3) providing a longitudinal slot 13 along the wedge. With this as evidence one of ordinary skill in this art would construct a wedge having separable portions along the longitudinal axes.

Claims 1-6, and 10 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Lyashenko et al.

Lyashenko et al teach a tapered socket which have ribs about the outer surface of the tapered shell and extend perpendicularly to the circumference of the tapered shell. At least a portion of the outer shell is lubricated. It would have been obvious to provide ribs if indeed Lyashenko et al do not teach such ribs to assist the apparatus to perform its intended function. It is believed however that near elements 17 and the like ribs or rib-like structures are provided.

Any inquiry concerning this communication should be directed to C. J. Arbes at telephone number (703)308-1857.


CARL J. ARBES
PRIMARY EXAMINER